

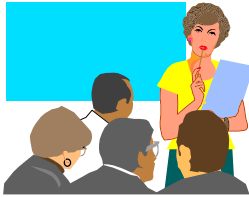


# ***Risky News***

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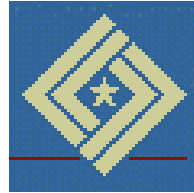
## **ANNUAL SEMINAR UPDATE**

Plans are nearly complete for the annual Risk Management conference, scheduled for October 13 at the Arvada Center. Chosen for its central location and free parking, this comfortable setting has contributed to the overall success of past conferences.

Gary Salmans, a vice president of Marsh, Inc., the state's insurance broker, will kick off the day's activities with a keynote presentation that is sure to spark enthusiasm for the numerous workshops scheduled for morning and afternoon. This "smorgasbord" will include Domestic Violence at Work, a presentation on workplace hazards, workplace stress, the perils of office romance and sexual harassment and numerous other intriguing topics. Stewart Ellenberg, Risk Manager for the City of Fort Collins, will speak at lunch.

In addition to the speakers, conference attendees will be able to browse among vendor exhibits of the latest in workplace safety devices, equipment and furniture, as well as meeting new service providers. On-site flu immunizations and blood pressure checks are also among the conference offerings.

Pre-registration is required and may be done in mid-August, either by downloading the registration form from the Risk Management web page, or returning the form in the conference brochure. The \$30 registration fee (\$15 for vendors) is non-refundable but may be transferred to another party. If you'd like more information, call Risk Management at 303-866-4290.



## **ERGONOMICS STANDARD IN TROUBLE**

The Federal Occupational Safety and Health Administration (OSHA) has been proposing a controversial ergonomics standard which would have far-reaching consequences for the private sector.

The standard would cost employers billions of dollars to implement and would require businesses to implement comprehensive ergonomic programs to address employee injuries. The proposal would also require indemnity payments to workers unable to work, which critics say interferes with state workers' compensation programs. OSHA says the standard would not interfere with workers' compensation laws.

The proposed standard is meeting with strong resistance on Capitol Hill, where Congress is voting to cancel funding to implement the standard. President Clinton has threatened to veto the bill if it doesn't include funding for the standard.

The Cato Institute has cast doubt on OSHA's ability to regulate ergonomics with a new study on three major OSHA ergonomics cases that have already been through the legal process. In these three cases, the study found that OSHA couldn't identify ergonomic hazards, couldn't relate job tasks like lifting to injuries, and couldn't identify specific means to eliminate ergonomic hazards. The agency concluded that OSHA should abandon the proposed ergonomic standard because they can't back it up.

*Colorado state agencies are not regulated by OSHA but use OSHA regulations as guidelines.*



## **BLS RELEASES FATAL INJURY STATISTICS FATAL INJURIES DROP TO ALL-TIME LOW, MURDER RATE LEADS THE DECLINE**

The number of fatal work injuries fell to 6,026 during 1998, about 3 percent below the previous year and the lowest count since the Census of Fatal Occupational Injuries, conducted by the Bureau of Labor Statistics, U.S. Department of Labor, began in 1992. An 18 percent drop in job-related homicides accounted for a large portion of the decline. Deaths from workers being struck by falling objects or caught in running machinery also fell from their 1997 totals.

In contrast, worker deaths from highway crashes, from being struck by vehicles, and from contacts with overhead powerlines were at their highest levels during the 7-year period. The construction industry reported the largest number of fatal work injuries of any industry and accounted for nearly one-fifth of the fatality total in 1998.

### **Profiles of 1998 fatal work injuries**

Highway crashes continued as the leading cause of on-the-job fatalities during 1998, accounting for 24 percent of the fatal work injury total. The number of these fatalities increased slightly over their 1997 total to reach the highest level since the BLS fatality census began in 1992. This rise resulted mainly from an increase in the number of workers killed in highway crashes between oncoming vehicles. Slightly over two-fifths of the 1,431 victims of job-related highway fatalities were employed as truck drivers.

The number of workers fatally struck by vehicles rose to 413, an increase of 13 percent from their 1997 total and the highest number in the 7-year period that the fatality census has been compiled. In contrast to job-related fatalities, total highway and pedestrian fatalities dropped in 1998 from 1997, according to preliminary figures from the U.S.D.O.T.

The second leading cause of on-the-job deaths, workplace homicides, fell to its lowest level in the past 7 years. A total of 709 workers died as a result of job-related homicide in 1998 compared with 1,080 in 1994, which had the highest count in the 7-year period. The drop in homicide at work was most pronounced in retail trade, where homicides fell by 46 percent from 1994.

Robbery continued to be the primary motive of job-related homicides in retail trade when a motive could be ascertained from the source documents. The 18 percent drop in workplace homicides from 1997 was more pronounced than the 8 percent decline in total homicides that was reported by the U.S. Department of Justice.

In 1998, deaths resulting from on-the-job falls totaled 702, nearly the same as the worker homicide total. Modest increases in falls from roofs and scaffolds resulted in 7-year highs for these two totals.

Most of the worker deaths resulting from falls from roofs and scaffolds occurred in the construction industry, which accounts for about half the fatal workplace falls each year.

Electrocutions accounted for 6 percent of the fatal injuries and increased by 12 percent from 1997. Contact with overhead power lines accounted for about half the deaths from electrocution.

In fatal event categories that increased from 1997 to 1998, much of the increases occurred in the construction industry. On average, about 17 workers were fatally injured each day during 1998. Eighty-four percent of fatally injured workers died the day they were injured; 97 percent died within 30 days.

There were 227 multiple-fatality incidents (incidents that resulted in two or more worker deaths), resulting in 555 job-related deaths. This was a slight increase over the number of multiple-fatality events reported for 1997, when 220 incidents resulted in 544 deaths. Unlike some previous years, there was no single event such as an airline crash or explosion with more than a dozen fatalities in 1998.

## OCCUPATIONAL HIGHLIGHTS

\* Occupations with large numbers of fatal injuries included truck drivers, construction trades, farm occupations, and sales occupations.

\* Fatal injuries to truck drivers were at their highest level in the 7-year period. In contrast, the number of fatalities in sales occupations fell to its lowest level during the same period, primarily because of the drop in homicides.

### Relative Risk

A comparison of percent distributions of fatalities and employment can be used to evaluate the relative risk of a job-related fatality for a given industry or worker characteristic. For example, the construction industry accounted for 19 percent of the fatality total, 3 times its 6-percent share of total employment. While employment can be used to evaluate the relative risk of a fatal work injury, other measures, such as employee exposure hours, also can be used.

### Industry Highlights

\* Industry divisions with large numbers of fatalities relative to their employment include agriculture, forestry, and fishing; construction; transportation and public utilities; and mining.

\* The number of fatal work injuries in retail trade dropped 15 percent from 1997 totals, primarily due to a decline in workplace homicides.

### Demographic Highlights

\* Men, the self-employed, and older workers suffered fatal injuries more often than their employment shares would suggest. Differences in the industries and occupations of these worker groups explain in part their high relative risk of fatal injury on the job.

\* Highway-related incidents were the leading cause of job-related fatalities among men; homicides were the leading cause of fatal injuries among women workers.

\* The majority of fatally injured workers under 17 years of age were killed while doing farm work; two-fifths of worker fatalities among 17-year olds occurred in the construction industry.

### State Highlights

\* In general, the states with the largest number of persons employed have the largest number of work-related fatalities. Three of the largest states--California, Texas, and Florida--accounted for one-fourth of the total fatalities. Each state's industry mix, geographical features, age of population, and other characteristics of the workforce must be considered when evaluating state fatality profiles.

\* Job-related homicides in the New York City and Los Angeles metropolitan areas dropped by 69 and 54 percent, respectively, from their 7-year highs reported in 1993. These declines accounted for half of the national decline in job-related homicides from 1993 to 1998.

For additional data, access the BLS World Wide Web Internet site: <http://www.bls.gov/oshhome.htm>. To request a copy of BLS Report 934, which includes several articles and highlights 1997 fatality data, e-mail your address to [CFOIstaff@bls.gov](mailto:CFOIstaff@bls.gov) or write to Bureau of Labor Statistics, 2 Massachusetts Avenue, NE, Room 3180, Washington, DC 20212.

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## BLS releases lost time data

According to the Bureau of Labor Statistics latest data, a total of slightly more than 1.7 million injuries and illnesses that required recuperation away from work beyond the day of the incident were reported in selected private industry workplaces during 1998. The total number of these cases has declined in each year since 1992.

Men accounted for two out of three of the 1.7 million cases, a proportion somewhat higher than their share (59 percent) of the hours worked by all private wage and salary workers. Workers aged 24 and under accounted for 15 percent of the cases and 14 percent of the total hours worked by all private wage and salary workers. Workers aged 25 to 44 accounted for 56 percent of the cases and 55 percent of the hours worked. Workers aged 45 and older accounted for 27 percent of the cases and 30 percent of the hours worked.

### Women & Workplace Fatalities

Women suffered 2,506 (or 8 percent) of the 31,567 job-related fatalities reported during a recent four year period. During the same time period, women accounted for slightly less than 50 percent of the workforce. Women may experience fewer job-related deaths and injuries because they typically are employed in less dangerous jobs such as teaching or other service occupations. Few women work in the construction trades or in other high-risk jobs where work is performed outdoors.

Women also suffered only slightly over one third of the 2 million cases of work-related injuries and illnesses that resulted in days away from work. Women accounted for more cases than men of carpal tunnel syndrome, tendonitis, respiratory system diseases, infectious and parasitic diseases, and disorders resulting from anxiety and stress.



## NIOSH Says Strategic Rest Breaks Work

Washington, DC - Short, strategically spaced rest breaks can reduce eyestrain and musculoskeletal discomforts for employees who perform computer data entry tasks without decreasing productivity, the National Institute for Occupational Safety and Health (NIOSH) reports in a new study. The study compared results under two rest-break schedules for a group of 42 data-entry employees at the Internal Revenue Service (IRS).

Under one schedule, the employees worked their regular daily schedule that included two 15-minute rest breaks, one in each half of the work shift. In the other schedule, the conventional breaks were supplemented with four 5-minute breaks spaced throughout the workday.

The workers consistently reported less eye soreness, visual blurring, and upper-body discomfort under the supplementary schedule. Quantity and quality of work were comparable under both schedules, as measured by numbers of keystrokes and operators' accuracy in typing data from paper forms into the computer.

### PROTECT COMPUTERS FROM VIRUSES

Tips to combat viruses sent through email:

- ✓ Install the full version, not the free version, of a well-known anti-virus program.
- ✓ Update your anti-virus program often by downloading updates from the manufacturer.
- ✓ Perform a virus scan on all files you download from the Internet.
- ✓ Don't open file attachments in email from people you don't know.
- ✓ Perform a virus scan on all file attachments before opening them. Save the attachment to a temporary directory and scan it.



## RECALL INFORMATION

...from the Consumer Product  
Safety Commission

### Powered Grinders Recalled

Chicago, Ill - S-B Power Tool Co., of Chicago, Ill., is recalling about 920 BOSCH Angle Grinders, which are often used to sand or polish marble or metal. The recalled grinders bear model 1752G7. The model number is on the side of the grinder, near the BOSCH name. The grinder is mainly teal blue and gray with a black power cord. The grinder was made in Germany. Mass merchandise, hardware and home center stores nationwide sold the grinder from February 2000 through April 2000 for about \$150.

Some grinders were shipped without the side handle, which is used to control and guide the tool. Use of the grinder without the side handle can cause consumers to lose control of the tool and be injured.

### IBM Recalls Computer Adapters

International Business Machines (IBM) Corporation is voluntarily recalling about 220,000 AC adapters that are used with certain models of IBM notebook computers and other mobile devices. These AC adapters can overheat, posing a fire hazard. IBM has received nine reports of the AC adapters overheating, including one report of fire causing minor damage. There have been no reports of injuries.

The recall includes AC adapters used only with IBM ThinkPad 310 (type 2600 only) and IBM ThinkPad i Series (type 2611 only) notebook computers, and IBM WorkPad z50 (type 2608 only) companion devices. The AC adapter is a small rectangular black plastic box that, on one end, has a permanently attached wire that connects to the computer, and on the other end has a detachable cord that plugs into an AC outlet. It is approximately 2.5 inches long by 4.5 inches wide by 1.25 inches high.

The label reads in part, "AC Adapter," "Made in China" and "Delta Electronics (Doughuan) Co., Ltd." It has a FRU p/n number of 12J0537, 12J0539 or 02K6562.

### 2.7 Million Weed Wizards Recalled

Weed Wizard Acquisition Corp is voluntarily recalling about 2.7 million Weed Wizard trimmer heads with metal chains and about 857,000 trimmer replacement chain sets. The end link of the trimmer's metal chain can rapidly and unexpectedly detach during use, propelling the link into the air at a high velocity. If the metal link strikes the user or a bystander, it can penetrate skin and bone, causing injury or death.

The Weed Wizard being recalled replaces the string trimmer head with a metal chain trimmer head on a gas-powered weed trimmer. Only Weed Wizard trimmer heads with metal chains are part of this recall. They were sold with white replacement heads and black chains, yellow heads with black chains or yellow heads with silver chains. There is no writing on the Weed Wizard trimmer heads, but the packaging reads "Weed Wizard", "The Solution to Trimmer Line Problems", "Fits 99% of All Gas Trimmers" and "MADE IN U.S.A."





# ADA UPDATE

## **JUSTICE DEPARTMENT SUES MISSISSIPPI STATE DEPARTMENT OF PUBLIC SAFETY FOR VIOLATING THE ADA**

- The Justice Department is suing the Mississippi State Department of Public Safety for allegedly refusing to accommodate a cadet with diabetes at its training academy for new state troopers, and for dismissing him from the academy because of his disability, in violation of federal law.

The suit, filed in the U.S. District Court in Jackson, alleges that the Department of Public Safety violated Title I of the American with Disabilities Act by refusing to make a reasonable accommodation for Ron Collins and for firing him because of his diabetes. The suit arose from an employment discrimination charge filed by Collins following his dismissal from the state's law enforcement training academy.

Collins, who despite his insulin-dependent diabetes, has worked as a law enforcement officer for more than 20 years, and had successfully completed three other law enforcement and military academies. In addition to using insulin, Collins regulates his diabetes through exercise, and by timing and adjusting his food intake.

After applying and being accepted into the state's training academy, the state troopers running the academy allegedly rejected Collins' requests for simple accommodations. For example, on the first night, state troopers denied his request for access to a vending machine. The following day, the state troopers denied his request for specific additional food at the cafeteria. Because he was not allowed to control his diabetes in his usual manner, he experienced a hypoglycemic episode on the third day of the academy. When he appeared disoriented and unresponsive, he was dismissed from the academy, and was told get into his car and remove himself from

the premises immediately.

"Most people with diabetes can effectively regulate the condition and should be given the opportunity to perform even the most strenuous jobs," said Bill Lann Lee, Acting Assistant Attorney General for Civil Rights. "The training academy refused even the most reasonable requests for modifications in practices which, in effect, denied this cadet's opportunity to control his condition and participate in the academy."

The U.S. Equal Employment Opportunity Commission initially investigated the charge and failed to achieve a conciliation. The EEOC then referred the case to the Justice Department, which attempted to resolve the matter through attempts at informal discussions and through formal mediation. The Justice Department filed suit after the parties remained unable to reach common ground. The suit seeks reinstatement, back pay, compensatory damages, and a court order requiring the Department of Public Safety to adequately train its state troopers about the ADA and diabetes. The case will be handled by the Justice Department's Civil Rights Division, with assistance from the United States Attorney's Office in Jackson.

Title I of the ADA requires employers, including state and local governments, to provide reasonable accommodations when an individual with a disability requests them. It also prohibits employers from discriminating against individuals with disabilities by refusing to hire them or by firing them.

## **Supreme Court Will Review Constitutionality of ADA Damages Suits Against States**

The Supreme Court will review the decision of the U.S. Court of Appeals for the Eleventh Circuit in *Garrett v. University of Alabama at Birmingham*, which upheld the constitutionality of title I and title II lawsuits brought by individuals seeking damages awards from States. The Department intervened to defend the ADA in numerous suits nationwide, including Garrett. Garrett is a consolidation of two employment suits against Alabama State agencies.



One involves the alleged discriminatory demotion of an individual with breast cancer by the University of Alabama, and the other a claim that the Alabama Department of Youth Services failed to reasonably accommodate an individual with chronic asthma.

States have argued that, because the ADA's protections go beyond the equal protection rights guaranteed by the Fourteenth Amendment, Congress lacks authority to subject them to lawsuits under title I and title II of the ADA. The Department, however, believes that the ADA is constitutionally appropriate legislation to remedy the history of pervasive discrimination against people with disabilities, and almost all of the appellate courts have agreed.

Recently, the U.S. Court of Appeals for the Second Circuit agreed with the Department and upheld the ADA as appropriate Fourteenth Amendment legislation in *Jackan v. New York State Department of Labor* and *Kilcullen v. New York State Department of Labor*. The U.S. Court of Appeals for the Seventh Circuit disagreed with the Department in a suit against Illinois, *Erickson v. Board of Governors*. The Department also intervened in *M.C. v. Fort Lee Board of Education* in the U.S. District Court for the District of New Jersey, a case that was settled before a decision was issued.

## TEXAS COMMISSION FOR THE BLIND TO END DISCRIMINATION AGAINST ITS BLIND EMPLOYEES

The Texas Commission for the Blind (TCB) will no longer allegedly discriminate against employees with vision impairments, under an agreement signed today with the Justice Department.

This is the first time the Department has used formal out-of-court mediation to resolve Americans with Disabilities Act (ADA) claims after finding alleged discrimination but prior to litigation.

"Today's agreement demonstrates what an effective tool mediation can be in resolving civil rights cases," said Bill Lann Lee, Acting Assistant Attorney General for Civil Rights. "By implementing the agreed upon changes, the Texas Commission for the Blind has taken a significant step towards ensuring full and

fair employment opportunities for people with vision impairments."

Under the agreement, TCB will:

- ✓ ensure that all employee manuals, training information, and other printed materials are provided in an accessible format (e.g., Braille, large print, computer disc) to its employees with vision impairments;
- ✓ designate an ADA Coordinator to handle disability discrimination complaints, and refer to independent mediation those that cannot be resolved;
- ✓ evaluate the accommodation needs of employees on a timely basis, and ensure that necessary equipment is acquired quickly;
- ✓ train all current and future employees concerning the rights and needs of people with disabilities; and,
- ✓ pay \$50,000 to the original complainant and \$5,000 to another former employee who was the subject of discrimination.

In addition, as a result of the Department's investigation, TCB reinstated a third former employee who alleged discrimination. Prior to the mediation, TCB had already initiated several of the actions required by the agreement.

The agreement resolves allegations that TCB, a state agency that provides employment and rehabilitation services to people with vision impairments, violated the ADA by failing to provide reasonable accommodations to its own employees with vision impairments.

Several employees complained that TCB had failed to provide reasonable accommodations, including lack of access to essential employee manuals in a format accessible to them. Another employee complained that TCB harassed her because of her disability and unlawfully discharged her from her position.

In May of 1997, the Justice Department initially found that TCB's employment practices were allegedly in violation of the ADA. Because TCB had made significant changes since the Justice Department's finding, the Department referred the matter to formal mediation with an independent mediator for final resolution.

**ADA UPDATE (continued)**

Title II of the Americans with Disabilities Act of 1990 prohibits discrimination in all state and local government activities, including employment.

**HAWAII STATE COURT TO PROVIDE SIGN LANGUAGE INTERPRETERS**

The Hawaii state court system will now provide effective communication to people who are deaf or hard of hearing, under an agreement signed today with the Justice Department. This agreement with the Judiciary of the State of Hawaii is the first of its kind to provide qualified sign language interpreters in Hawaii state court proceedings. The settlement resolves a complaint filed with the Justice Department by a deaf man alleging that Hawaii violated Title II of the Americans with Disabilities Act (ADA) by not providing a qualified sign language interpreter for a court appearance.

The complainant had received a speeding ticket in 1992 and asked the court 4 months before his appearance for an interpreter. None was provided, so his wife interpreted for him at the hearing. The court later acknowledged that interpreters had been available.

Under the agreement, the court system will implement a policy that requires the court to provide interpreters when other auxiliary aids such as listening devices, real time translation are not equally effective for providing communication or are unavailable for court appearances.

Title II of the ADA prohibits discrimination on the basis of disability by State and local governments and requires courts to provide appropriate auxiliary aids and services, including qualified interpreters, whenever necessary to give an individual with a disability an equal opportunity to participate in the court's programs and provide effective communication, unless to do so would result in an undue burden.

The settlement requires the Hawaii state courts to:

1. enforce a comprehensive a policy on effective communication for participants, including parties, witnesses, jurors, and spectators, who are deaf or hard of hearing;
2. provide real time translation, assistive listening devices, interpreters and other auxiliary aides;
3. secure the services of a qualified interpreter whenever necessary;
4. require all appropriate district court officials responsible for conducting proceedings to comply with the policy; and,
5. publicize the policy to all judges and appropriate judiciary staff, and will distribute this information through pamphlets, posters, or other appropriate means.

The agreement also permits the Justice Department to petition the U.S. District Court to seek specific performance of the agreement's terms if the Hawaii state courts fail to comply.

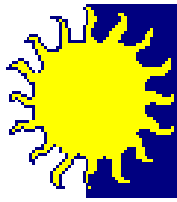
**WHEELCHAIR USERS GET EQUAL ACCESS**

In *Richardson and Steele v. City of Steamboat Springs, Colorado*, the Justice Department intervened in an ongoing lawsuit in the U.S. District Court for the District of Colorado brought by two wheelchair users who claim that they were denied equal access to the public transit system in Steamboat Springs, Colorado.

The Department alleges that the city violated the ADA by purchasing inaccessible used buses without first making the required good faith efforts to purchase accessible buses, by failing to repair inoperable wheelchair lifts and to provide alternative transportation when wheelchair lifts were inoperable, and by not adequately training bus drivers in the operation of wheelchair lifts.

People interested in finding out more about the ADA can call the toll-free ADA Information Line at (800) 514-0301 or (800) 514-0383 (TDD), or at <http://www.usdoj.gov/crt/ada/adahom1.htm>





## WORK SAFE THIS SUMMER

The US Department of Labor is working with employers to keep kids safe on the job this summer.

Every year, more than 200,000 American teens are injured on the job, and nearly 70 die.

One way to help ensure teen worker safety is to make sure your agency follows all child labor laws. The FLSA child labor provisions are designed to protect minors by restricting the types of jobs and the number of hours they may work.

Seventeen hazardous non-farm jobs, as determined by the Secretary of Labor, are out of bounds for teens below the age of 18. Generally, they may not work at jobs that involve:

- 1.Manufacturing or storing explosives
- 2.Driving a motor vehicle and being an outside helper on a motor vehicle
- 3.Coal mining
- 4.Logging and sawmilling
- 5.Power-driven wood-working machines\*
- 6.Exposure to radioactive substances and to ionizing radiations
- 7.Power-driven hoisting equipment
- 8.Power-driven metal-forming, punching, and shearing machines\*
- 9.Mining, other than coal mining
- 10.Meat packing or processing (including power-driven meat slicing machines)
- 11.Power-driven bakery machines
- 12.Power-driven paper-products machines\*
- 13.Manufacturing brick, tile, and related products
- 14.Power-driven circular saws, band saws, and guillotine shears\*
- 15.Wrecking, demolition, and ship-breaking operations
- 16.Roofing operations\*
- 17.Excavation operations\*

\* Limited exemptions are provided for apprentices and student-learners under specified standards.

### Hours limitations

- 1.Youths 18 or older may perform any job, whether hazardous or not, for unlimited hours, in accordance with minimum wage and overtime requirements.
- 2.Youths 16 and 17 years old may perform any nonhazardous job, for unlimited hours.
- 3.Youths 14 and 15 years old may work outside school hours in various nonmanufacturing, nonmining, nonhazardous jobs up to
  - 3 hours on a school day
  - 18 hours in a school week
  - 8 hours on a non-school day
  - 40 hours on a non-school week

Also, work must be performed between the hours of 7 a.m. and 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m.

Child labor laws and regulations govern the ages and types of jobs children under 18 may work and the hours they may work. In June 1994, the Labor Department increased penalties for death or serious injury of minors employed in violation of child labor laws as a deterrent to employers. The new penalties allow a fine of up to \$10,000 for each violation that leads to the serious injury or death of a child. The former penalty was a fine of up to \$10,000 for each minor seriously injured or killed.

From October 1, 1995, through September 30, 1996, Department of Labor investigators found more than 7,000 young people working in violation of child labor laws and regulations, and assessed \$6.8 million in civil money penalties for violations involving 1,341 establishments.

For more information about the Work Safe This Summer program and a free poster, go to this site:  
<http://www.dol.gov/dol/opa/public/summer/poster.htm>



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